

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

FILED

2019 DEC -6 PM 1:59

U.S. BANKRUPTCY COURT
MIDDLE DISTRICT OF TN.

In re)
)
AARON BRANSON,) Case No. 3:19-BK-05112
) Chapter 7
Debtor.) Judge Harrison
)

AARON WELLS,
JESSICA WELLS

Plaintiffs,

v.

AARON BRANSON,

Defendant.

)
)
) Adversary No. 3:19-ap-90182
)
)
)
)
)

AMENDED MOTION FOR ENTRY OF DEFAULT JUDGMENT

Plaintiffs, Aaron Wells and Jessica Wells, move this Court for entry of a default judgement against the Defendant, Aaron Branson, and would show:

1. The Adversary Compliant No. 3:19-ap-90182 was filed with the Court on September 25, 2019.
2. In this Adversary Compliant, Plaintiffs presented a number of facts demonstrating the fraudulent acts by the Defendant, Aaron Branson, that led to the Plaintiffs debt listed within Case No. 3:19-BK-05112. The facts are described in detail within the Adversary Compliant and the Exhibits are included here for ease of reference. The most notable exhibit is Exhibit 4,

which lists the Defendant, Aaron Branson, admissions to the fraudulent acts he committed in securing the Plaintiffs debt.

3. The summons was signed/issued by Judge Harrison on September 26, 2019.
4. Service was made by summons in accordance with Federal Rule of Bankruptcy Procedure 7004 on the Defendant by serving by mailed postage prepaid to Aaron Branson at 4405 Maximillion Circle, Murfreesboro, TN 37128 on October 3, 2019.
5. The Certificate of Service was filed with the Court on October 3, 2019.
6. No extension of time was sought by the Defendant.
7. Defendant has failed to file a responsive pleading or motion to the Complaint within 30 days from the date of issuance.
8. Plaintiffs submitted a written request for Entry of Default to the Court for this Complaint, and said request was entered into the docket on November 20, 2019.
9. Due to the Defendant's social security number and date of birth not provided to Plaintiffs, Plaintiffs cannot determine definitively that the Defendant is not actively serving in the military. The Plaintiffs relied on Defendant's response to Part 5, Question 15 in Form 101 in which Defendant did not mark the box stating Defendant was active duty military to surmise the Defendant is not active military status.
10. Due to the Defendant's date of birth not made available to Plaintiffs, Plaintiffs relied on Defendant's responses to Form 106Sum to conclude the defendant is not an infant.
11. Based on the Defendant's signatures throughout the bankruptcy petition filed under Case No. 3:19-BK-05112 wherein the Defendant attested he completed the bankruptcy petition on his own volition combined with the Defendant not marking the boxes for Incapacity and Disability within Part 5, Question 15 in Form 101, Plaintiffs conclude the Defendant is not mentally incompetent.
12. Wherefore, Plaintiffs seek a default judgment against the Defendant as a result of the failure to respond.

Dated: December 5, 2019.

Aaron Wells

Jessica Wells

Laura Wells

111 Sweethaven Ct

Franklin TN 37068

Jessie Wells

111 Sweethaven Ct.

Franklin TN 37068

EXHIBIT 1

4405
MURFREESBORO TN 37128

Bid

Misc	
Date	1/7/19

[illegible]

Comments	Name	CC #	Expires

Progress Payments Will Be Arranged For Work Begins.

Scope of Work

Quicken Clean Services LLC

Start date: 1-18-2019

Stages of work: 2

Stage 1 (framing, electrical, insulation, hvac modifications,)

Stage 2 (trim package, barn door, carpet, ceiling fans,)

Payments: 50 % upfront and 50 % at the end

Customer name and Address:

Aaron & Jessica Wells
111 Sweethaven Ct.
Franklin Tn

Business address:
4405 Maximillion Circle
Murfreesboro Tn 37128

G.C. Signature

Aaron Branson



EXHIBIT 2

[illegible]

EXHIBIT 3

Exhibit Written communication from Mr. Branson d/b/a Quicken Clean Services LLC stating to the Wells that they will receive their \$16,000 deposit in full.

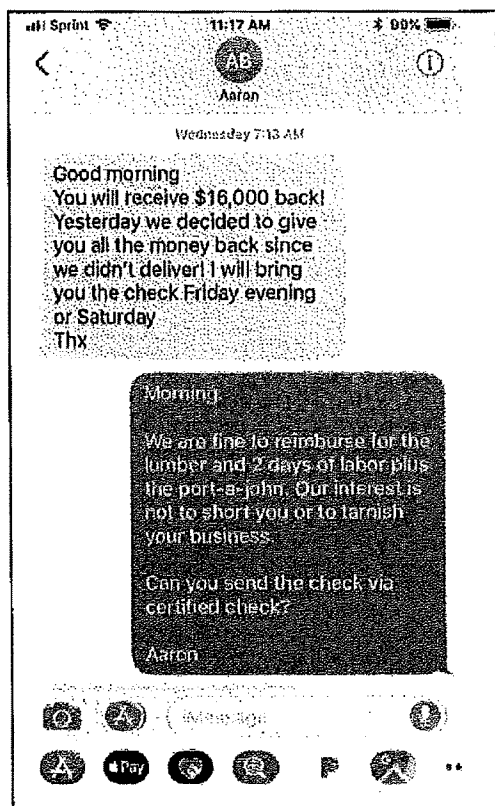


EXHIBIT 4

CIVIL WARRANT

State of Tennessee, County of Rutherford

To Any Lawful Officer to Execute and Return:

Summon Aaron Branson d/b/a

Quicken Clean Services LLC

to appear before the Court of General Sessions Civil of

Rutherford County, Tennessee, to be held at the Courtrooms

of said Court in said County on the 12th

day of March, 2019

at 9:00 M., then and there to answer in a civil action

brought by Aaron & Jessica Wells

for breach of construction contract

and violation against

quoting, bidding and negotiating

projects in excess of \$25,000.00

without a contractors license.

Plaintiffs seek damages

Under \$25,000.00 Dollars

This the 21 day of February, 2019

MELISSA HARRELL, Clerk of Court of General Sessions Civil

Brittany Dackmann Deputy Clerk

JUDGMENT

Judgment by: Default Non-suit without prejudice

Trial Dismiss Failure to Prosecute

Agreement Dismiss on Merits

Judgment for the PLFF/DEFT against the PLFF/DEFT

for \$25,000.00

dollars and cost of suit, for which Execution may issue. Post judgment

interest is ordered at %.

This ordered the 12 day of March, 2019

for \$25,000.00

day of March, 2019

for \$25,000.00

day of March, 2019

for \$25,000.00

day of March, 2019

for \$25,000.00

day of March, 2019

for \$25,000.00

day of March, 2019

for \$25,000.00

day of March, 2019

for \$25,000.00

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for \$25,000.00

day of March, 2019

for \$25,000.00

day of March, 2019

for \$25,000.00

day of March, 2019

for \$25,000.00

day of March, 2019

NOTICE

TO THE DEFENDANT(S):

Tennessee law provides a ten thousand dollar (\$10,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

(24-5-107)

NOTICE TO DEFENDANT:

If the plaintiff or plaintiff's agent has attached an affidavit of correctness to this civil lawsuit, then you must file a sworn statement denying you owe the amount for which you have been sued. In the alternative, you may appear in court on the scheduled hearing date and orally deny the account under oath and assert any defense or objection you may have.

I, _____, do solemnly swear that I am a resident of the State of Tennessee and that owing to my poverty, I am not able to bear the expense of the action which I am about to commence and that I am justly entitled to the relief sought, to the best of my belief.

Sworn to and subscribed before me,

This the _____ day of _____,

20 _____

Deputy Clerk.

ADA COORDINATOR (615-494-4480)

No. 288061

Aaron & Jessica Wells
111 Sweethaven Ct.
Franklin, Tennessee

Vs
Aaron Branson d/b/a
Quick Clean Services LLC
4405 Maximillion Circle
Murfreesboro, TN 37128

CIVIL WARRANT

COURT OF GENERAL SESSIONS CIVIL

MELISSA HARRELL, CLERK

Brittany Dackmann
Deputy Clerk

Issued February 21, 2019

Set for March 12, 2019

At 9:00 A.M. in

ROOM 303

of the Rutherford County Court Building.

Reset

Reset

Reset

Reset

Came to hand same day as issued and executed as commanded on

Personal Service on

Aaron Branson d/b/a

Quick Clean Services LLC

This 25 day of Feb., 2019

Dennis Young, 2820 Stewart Rd.
McBoro, TN 37129
Deputy Sheriff

Gary D. Beasley, Atty.

112 S. Maple St.
Murfreesboro, TN 37130 Attorney for Plaintiff
615-893-1331

Attorney for Defendant

EXHIBIT 5

WILSON
LODGED 7/30/19

Honorable Howard Wilson, Chancellor
Final Hearing Scheduled: Tuesday, August 20, 2019, @ 9:00 a.m.

IN THE CIRCUIT COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO

AARON and JESSICA WELLS,)
)
Plaintiffs,)
)
vs.)
)
AARON BRANSON d/b/a QUICKEN)
CLEAN SERVICES LLC)
)
Defendant.)
)

No. 75594

FILED
AUG 06 2019
1:12
C. BLANK
MELISSA HARRIS
DEPUTY CLERK

ORDER

This cause came before the court on the 26th day of July 2019, upon the following motions of the plaintiff: Motion to Compel Production of Discovery; Motion to Deem Admitted; and Motion for Default or in the Alternative to Set for Trial on a Date Certain. It appears from the record that the defendant, Aaron Branson, was properly and timely served with the motions but failed to appear on first call and one hour later on the second call of the docket. Further, no attorney has filed a notice of appearance or otherwise entered an appearance on behalf of defendant even though he was previously given more time to obtain counsel. Upon the motions, statements of counsel for the plaintiff, and the entire record in this cause;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

A. The Motion to Compel Production of Discovery is well taken and the defendant is hereby ordered to answer the propounded interrogatories and produce the documents that were requested by plaintiffs, within 10 days of July 26, 2019.

B. The Motion to Deem Admitted is well taken therefore the following statements are hereby deemed admitted by the defendant, Aaron Branson d/b/a Quicken Clean Services LLC, and may be used at the trial of this cause as evidence in plaintiffs' case in chief:

1. Admit that you did not possess a general contractor's license with the State of Tennessee when you quoted the \$40,400.00 construction job to Aaron and Jessica Wells on January 7, 2019.

RESPONSE: ADMITTED

2. Admit that you did not possess any type of license with the State of Tennessee when you quoted the \$40,400.00 construction job to Aaron and Jessica Wells on January 7, 2019.

RESPONSE: ADMITTED

3. Admit that you did not possess any type of license with the State of Tennessee when you entered into the construction agreement with Aaron and Jessica Wells at a total cost of \$32,000.00 and when Mr. and Mrs. Wells paid you the sum of \$16,000.00.

RESPONSE: ADMITTED

4. Admit that Quicken Clean Services LLC was not incorporated on January 7, 2019, with the State of Tennessee.

RESPONSE: ADMITTED

5. Admit that Quicken Clean Services LLC has never been incorporated with the State of Tennessee.

RESPONSE: ADMITTED

6. Admit that plaintiffs paid you the sum of \$16,000.00 toward a total cost of \$32,000.00 to perform construction work on their home.

RESPONSE: ADMITTED

7. Admit that you signed the "Scope of Work" document as G.C. meaning General Contractor.

RESPONSE: ADMITTED

8. Admit that you texted Mr. Wells the following: "Good morning You will receive \$16,000 back! Yesterday we decided to give you all the money back since we didn't deliver! I will bring you the check Friday evening or Saturday Thx".


RESPONSE: ADMITTED

9. Admit that as of the date you are answering these admissions you have not paid Mr. and Mrs. Wells back the sum of \$16,000.00.

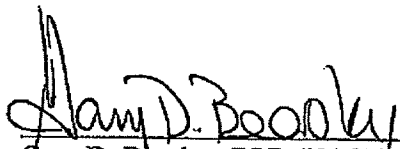
RESPONSE: ADMITTED

C. As to the Motion for Default or in the Alternative to Set for Trial on a Date Certain, the Court determined that a motion for default under Rule 55 of the Tennessee Rules of Civil Procedure is not appropriate in this case where the defendant did properly appeal the case from a general sessions judgment; however, the Court determined it appropriate to set this case for final hearing on a date certain and absent extraordinary circumstances the defendant shall not be allowed any further continuances to obtain new counsel or otherwise delay his defense of the case. Therefore, this case is hereby set for final hearing on Tuesday the 20th day of August 2019, beginning at 9:00 a.m. before the Honorable Howard Wilson, Chancellor, in Courtroom 5D of the Rutherford County Judicial Center, 116 West Lytle Street, Murfreesboro, Tennessee 37130. This case is expected to take two (2) hours of court time for final hearing.

ENTERED this 6th day of AUGUST 2019.


Howard Wilson, Chancellor

APPROVED FOR ENTRY:


Gary D. Beasley, BPR #016581

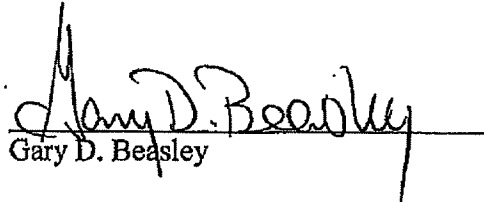
Attorney for Plaintiffs
112 South Maple Street
Murfreesboro, TN 37130
(615) 893-1331
(615) 893-2000 Fax
gary@kidwellsouthbeasley.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing has been sent via
U.S. MAIL to:

Defendant, Aaron Branson
4405 Maximillion Circle
Murfreesboro, TN 37128-4280

this 30th day of July 2019.


Gary D. Beasley

**PLEASE TAKE NOTICE THAT A FINAL HEARING IN THIS CASE IS HEREBY
SCHEDULED BEFORE THE HONORABLE HOWARD WILSON, CHANCELLOR, IN
COURTROOM 5D OF THE RUTHERFORD COUNTY JUDICIAL CENTER, 116 WEST
LYTLE STREET, MURFREESBORO, TENNESSEE 37130, ON TUESDAY, THE 20TH
DAY OF AUGUST 2019, BEGINNING AT 9:00 A.M.**

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

In re)	
)	
AARON BRANSON,	)	Case No. 3:19-BK-05112
	)	Chapter 7
Debtor.	)	Judge Harrison
)	

AARON WELLS,
JESSICA WELLS

Plaintiffs,

v.

AARON BRANSON,

Defendant.

)	
)	
)	Adversary No. 3:19-ap-90182
)	
)	
)	
)	

CERTIFICATE OF MAILING

I hereby certify a true copy of the Notice of Amended Motion for Entry of Default Judgment was mailed postage prepaid to the parties listed below on 12/5/2019.

Aaron Branson
4405 Maximillion Circle
Murfreesboro TN 37128

U.S. Bankruptcy Court
Middle District of Tennessee
701 Broadway
Room 170
Nashville TN 37203

Dated: December 5th, 2019.

Adam Wells

Jessica Well

Adam Wells

Jessica Well

111 Sweethaven Ct

111 Sweethaven Ct.

Franklin TN 37069

Franklin TN 37069

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

In re)
)
AARON BRANSON,) Case No. 3:19-BK-05112
) Chapter 7
Debtor.) Judge Harrison
)

AARON WELLS,
JESSICA WELLS
Plaintiffs,)
)
v.) Adversary No. 3:19-ap-90182
)
AARON BRANSON,)
)
Defendant.)
)

THE DEADLINE FOR FILING A TIMELY RESPONSE IS: DECEMBER 28TH, 2019

**IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: JANUARY 14TH, 9:00 AM
CST, U.S. BANKRUPTCY COURT, MIDDLE DISTRICT OF TENNESSEE, 701 BROADWAY,
COURT ROOM 3**

NOTICE OF AMENDED MOTION FOR ENTRY OF DEFAULT JUDGMENT

Plaintiffs, Aaron Wells and Jessica Wells, have asked the court for the following relief:

1. Per 11 U.S. Code Section 523(a), Plaintiffs ask the Court to rule the debt listed on Form 106E/F, Part 2, Question 4.1 in Case No. 3:19-BK-05112 as non-dischargeable.

2. The Plaintiffs awarded judgment of \$19,400, which is the sum of:

a \$16,000 the Defendant, Aaron Branson, deposited for work he fraudulently contracted to do for the Plaintiffs and which he said he would repay the Plaintiffs.

b \$2,000 for the Plaintiffs legal expenses to Mr. Gary Beasley, BPR #016581 to pursue the Defendant in Rutherford County General Sessions and Circuit Court.

c \$1,400 in interest incurred by the Plaintiffs for the loan taken out by the Plaintiffs to cover the funds stolen by the Defendant, Mr. Branson.

3. The Plaintiffs awarded judgment of punitive damages totaling \$10,000 for the time out of work, time to complete necessary legal documentation, and stress incurred by Plaintiffs to pursue Adversarial Compliant No. 3:19-ap-90182.

4. The Plaintiffs awarded any assets of the Defendant uncovered through the course of discovery associated with Case No. 3:19-BK-05112, up to the award amounts requested above.

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your

attorney must go to the court website and follow the instructions at:
<<https://ecf.tnmb.uscourts.gov>>.

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1st Floor, Nashville, TN (Monday – Friday, 8:00 A.M. – 4:00 P.M.).

2. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

If your response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the court's website at <<https://ecf.tnmb.uscourts.gov>>.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Dated: December 5, 2019

Arnan Wells

Jessica Wells

Arnan Wells

111 Sweetthorn Ct

Franklin TN 37069

Jessica Wells

111 Sweetthorn Ct.

Franklin TN 37069

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

In re)	
)	
AARON BRANSON,	)	Case No. 3:19-BK-05112
	)	Chapter 7
Debtor.	)	Judge Harrison
)	

AARON WELLS,		
JESSICA WELLS		
Plaintiffs,)	
)	
v.	)	Adversary No. 3:19-ap-90182
)	
AARON BRANSON,)	
)	
Defendant.)	
)	

CERTIFICATE OF MAILING

I hereby certify a true copy of the Notice of Amended Motion For Entry Of Default Judgment was mailed postage prepaid to the parties listed below on 12/5/2019.

Aaron Branson
4405 Maximillion Circle
Murfreesboro TN 37128

U.S. Bankruptcy Court
Middle District of Tennessee
701 Broadway
Room 170
Nashville TN 37203

Dated: December 5th, 2019.

Aaron Wells

Aaron Wells

111 Sweethaven Ct

Franklin TN 37069

Jessica Wells

Jessica Wells

111 Sweethaven Ct.

Franklin TN 37069

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

In re)	
)	
AARON BRANSON,	)	Case No. 3:19-BK-05112
	)	Chapter 7
Debtor.	)	Judge Harrison
)	

AARON WELLS,		
JESSICA WELLS		
Plaintiffs,)	
)	
v.	)	Adversary No. 3:19-ap-90182
)	
AARON BRANSON,)	
)	
Defendant.)	
)	

PROPOSED JUDGMENT ORDER

Plaintiffs, Aaron Wells and Jessica Wells, move this Court for default judgment against the Defendant, Aaron Branson.

Plaintiffs served the summons issued by Judge Harrison on September 26th for Adversary Compliant No. 3:19-ap-90182 on Defendant, Aaron Branson, on October 3, 2019 by mailed postage prepaid. The Defendant, Aaron Branson, did not respond within the 30-day allotted response window

nor did the Defendant participate in preparing the Pretrial Conference document nor did the Defendant attend the Pretrial Conference on December 4th, 2019.

Based on the Defendant not responding to the summons, Plaintiffs filed an Amended Motion for Entry of Default Judgment. This Motion of Default Judgment was served by mailed postage prepaid on December 5th, 2019, to the parties listed below and the Defendant has not responded per local rule 9013-

1. Therefore, Plaintiffs are entering a proposed default judgment order consisting of the following terms:

1. Per 11 U.S. Code Section 523(a), Plaintiffs ask the Court to rule the debt listed on Form 106E/F, Part 2, Question 4.1 in Case No. 3:19-BK-05112 as non-dischargeable.

2. The Plaintiffs awarded judgment of \$19,400, which is the sum of:

a \$16,000 the Defendant, Aaron Branson, deposited for work he fraudulently contracted to do for the Plaintiffs and which he said he would repay the Plaintiffs (see Exhibits 1 – 3 and Admissions in Exhibit 5).

b \$2,000 for the Plaintiffs legal expenses to Mr. Gary Beasley, BPR #016581 to pursue the Defendant in Rutherford County General Sessions and Circuit Court.

c \$1,400 in interest incurred by the Plaintiffs for the loan taken out by the Plaintiffs to cover the funds stolen by the Defendant, Mr. Branson.

d Note that the Plaintiffs are not pursuing the full default judgment awarded by the Rutherford County General Sessions Court (Exhibit 4).

3. The Plaintiffs awarded judgment of punitive damages totaling \$10,000 for the time out of work, time to complete necessary legal documentation, and stress incurred by Plaintiffs to pursue Adversarial Compliant No. 3:19-ap-90182. Additionally, Plaintiffs have had to secure additional funding and a new contractor to complete the home remodeling project.

4. The Plaintiffs awarded any assets of the Defendant uncovered through the course of discovery associated with Case No. 3:19-BK-05112, up to the award amounts requested above.

Dated: December 5, 2019.

Aaron Wells

Jessica Wells

Aaron Wells

Jessica Wells

111 Sweethaven Ct

111 Sweethaven Ct.

Franklin TN 37069

Franklin TN 37069

Aaron Branson
4405 Maximillion Circle
Murfreesboro TN 37128

U.S. Bankruptcy Court
Middle District of Tennessee
701 Broadway
Room 170
Nashville TN 37203

EXHIBIT 1

Invoice No. 01072019A

Bid

Customer

Name Aaron Wells
Address 111 Sweethaven Ct
City Franklin State TN ZIP 37069
Phone

Misc

Date 1/7/19

[illegible]

Sub Total	\$ 40,400.00
------------------	---------------------

17.00%

TOTAL	\$ 40,400.00
--------------	---------------------

Payment

Select One...

Comments

Name

CC #

Expires

Progress Payments Will Be Arranged For Work Begins.

Scope of Work

Quicken Clean Services LLC

Start date: 1-18-2019

Stages of work: 2

Stage 1 (framing, electrical, insulation, hvac modifications,)

Stage 2 (trim package, barn door, carpet, ceiling fans,)

Payments: 50 % upfront and 50 % at the end

Customer name and Address:

Aaron & Jessica Wells
111 Sweethaven Ct.
Franklin Tn

Business address:
4405 Maximillion Circle
Murfreesboro Tn 37128

G.C. Signature

Aaron Branson



EXHIBIT 2

Save this page

EXHIBIT 3

Exhibit Written communication from Mr. Branson d/b/a Quicken Clean Services LLC stating to the Wells that they will receive their \$16,000 deposit in full.

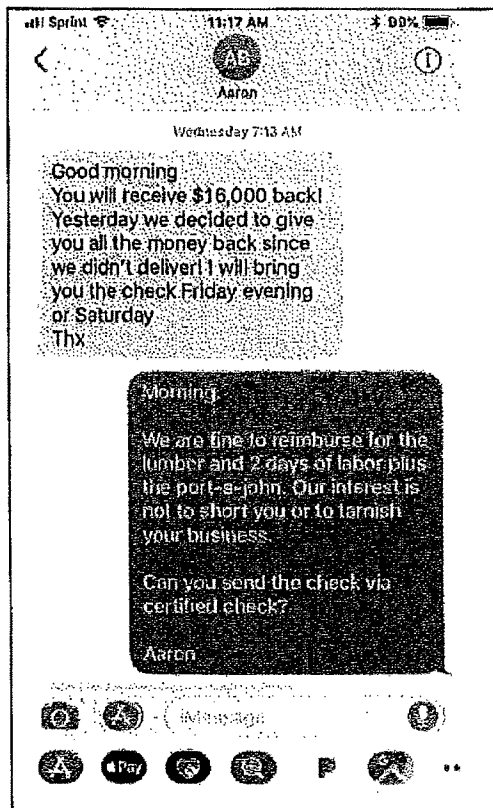


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CIVIL WARRANT

State of Tennessee, County of Rutherford

To Any Lawful Officer to Execute and Return:

Summon Aaron Branson d/b/a

Quicken Clean Services LLC

to appear before the Court of General Sessions Civil of

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at 9:00 AM, then and there to answer in a civil action

brought by Aaron & Jessica Wells

for breach of construction contract

and violation against

quoting, bidding and negotiating

projects in excess of \$25,000.00

without a contractors license.

Plaintiffs seek damages

Under \$25,000.00 Dollars

This the 21 day of February, 2019

MELISSA HARRELL, Clerk of Court of General Sessions Civil

Brittany Dackman Deputy Clerk

JUDGMENT

Judgment by: ☒ Default ☐ Non-suit without prejudice

☐ Trial ☐ Dismiss Failure to Prosecute

☐ Agreement ☐ Dismiss on Merits

Judgment for the PLFF/DEFT against the PLFF/DEFT

for \$ 25,000.00

dollars and cost of suit, for which Execution may issue. Post judgment

interest is ordered at % This ordered the 12

day of Mar, 2019

Under of Court of General Sessions Civil

NOTICE

TO THE DEFENDANT(S):

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(24-5-107)

NOTICE TO DEFENDANT :

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I, _____, do solemnly swear that I am a resident of the State of Tennessee and that owing to my poverty, I am not able to bear the expense of the action which I am about to commence and that I am justly entitled to the relief sought, to the best of my belief.

Sworn to and subscribed before me,

This the _____ day of _____

20 _____

Deputy Clerk.

ADA COORDINATOR (615-494-4480)

No. 288061

Aaron & Jessica Wells
111 Sweethaven Ct.
Franklin, Tennessee

Vs
Aaron Branson d/b/a
Quicken Clean Services LLC
4405 Maximillion Circle
Murfreesboro, TN 37128

Defendant
CIVIL WARRANT

COURT OF GENERAL SESSIONS CIVIL

MELISSA HARRELL, CLERK

Brittany Dackman
Deputy Clerk

Issued February 21, 2019

Set for March 12, 2019

At 9:00 A.M. in

ROOM 303

of the Rutherford County Court Building.

Reset

Reset

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Came to hand same day as issued and executed as commanded on

Personal Service on

Aaron Branson d/b/a

Quicken Clean Services LLC

This 25 day of Feb, 2019

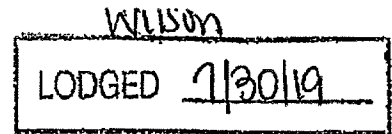
Dennis Young
Mr. Bora, TN 37129
Deputy Sheriff

Gary D. Beasley, Atty.

112 S. Maple St.
Murfreesboro, TN 37130 Attorney for Plaintiff
615-893-1331

Attorney for Defendant

EXHIBIT 5

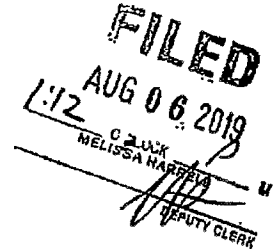


Honorable Howard Wilson, Chancellor
Final Hearing Scheduled: Tuesday, August 20, 2019, @ 9:00 a.m.

IN THE CIRCUIT COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO

AARON and JESSICA WELLS,)
)
Plaintiffs,)
)
vs.)
)
AARON BRANSON d/b/a QUICKEN)
CLEAN SERVICES LLC)
)
Defendant.)
)

No. 75594



ORDER

This cause came before the court on the 26th day of July 2019, upon the following motions of the plaintiff: Motion to Compel Production of Discovery; Motion to Deem Admitted; and Motion for Default or in the Alternative to Set for Trial on a Date Certain. It appears from the record that the defendant, Aaron Branson, was properly and timely served with the motions but failed to appear on first call and one hour later on the second call of the docket. Further, no attorney has filed a notice of appearance or otherwise entered an appearance on behalf of defendant even though he was previously given more time to obtain counsel. Upon the motions, statements of counsel for the plaintiff, and the entire record in this cause;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

A. The Motion to Compel Production of Discovery is well taken and the defendant is hereby ordered to answer the propounded interrogatories and produce the documents that were requested by plaintiffs, within 10 days of July 26, 2019.

B. The Motion to Deem Admitted is well taken therefore the following statements are hereby deemed admitted by the defendant, Aaron Branson d/b/a Quicken Clean Services LLC, and may be used at the trial of this cause as evidence in plaintiffs' case in chief:

1. Admit that you did not possess a general contractor's license with the State of Tennessee when you quoted the \$40,400.00 construction job to Aaron and Jessica Wells on January 7, 2019.

RESPONSE: ADMITTED

2. Admit that you did not possess any type of license with the State of Tennessee when you quoted the \$40,400.00 construction job to Aaron and Jessica Wells on January 7, 2019.

RESPONSE: ADMITTED

3. Admit that you did not possess any type of license with the State of Tennessee when you entered into the construction agreement with Aaron and Jessica Wells at a total cost of \$32,000.00 and when Mr. and Mrs. Wells paid you the sum of \$16,000.00.

RESPONSE: ADMITTED

4. Admit that Quicken Clean Services LLC was not incorporated on January 7, 2019, with the State of Tennessee.

RESPONSE: ADMITTED

5. Admit that Quicken Clean Services LLC has never been incorporated with the State of Tennessee.

RESPONSE: ADMITTED

6. Admit that plaintiffs paid you the sum of \$16,000.00 toward a total cost of \$32,000.00 to perform construction work on their home.

RESPONSE: ADMITTED

7. Admit that you signed the "Scope of Work" document as G.C. meaning General Contractor.

RESPONSE: ADMITTED

8. Admit that you texted Mr. Wells the following: "Good morning You will receive \$16,000 back! Yesterday we decided to give you all the money back since we didn't deliver! I will bring you the check Friday evening or Saturday Thx".

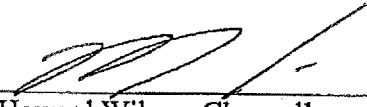
RESPONSE: ADMITTED

9. Admit that as of the date you are answering these admissions you have not paid Mr. and Mrs. Wells back the sum of \$16,000.00.

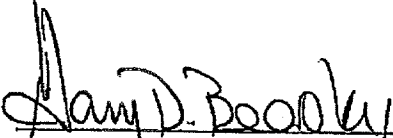
RESPONSE: ADMITTED

C. As to the Motion for Default or in the Alternative to Set for Trial on a Date Certain, the Court determined that a motion for default under Rule 55 of the Tennessee Rules of Civil Procedure is not appropriate in this case where the defendant did properly appeal the case from a general sessions judgment; however, the Court determined it appropriate to set this case for final hearing on a date certain and absent extraordinary circumstances the defendant shall not be allowed any further continuances to obtain new counsel or otherwise delay his defense of the case. Therefore, this case is hereby set for **final hearing on Tuesday the 20th day of August 2019, beginning at 9:00 a.m. before the Honorable Howard Wilson, Chancellor, in Courtroom 5D of the Rutherford County Judicial Center, 116 West Lytle Street, Murfreesboro, Tennessee 37130.** This case is expected to take two (2) hours of court time for final hearing.

ENTERED this 6th day of AUGUST 2019.


Howard Wilson, Chancellor

APPROVED FOR ENTRY:

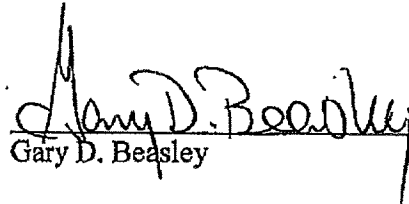

Gary D. Beasley, BPR #016581
Attorney for Plaintiffs
112 South Maple Street
Murfreesboro, TN 37130
(615) 893-1331
(615) 893-2000 Fax
gary@kidwellsouthbeasley.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing has been sent via
U.S. MAIL to:

Defendant, Aaron Branson
4405 Maximillion Circle
Murfreesboro, TN 37128-4280

this 30th day of July 2019.



Gary D. Beasley

**PLEASE TAKE NOTICE THAT A FINAL HEARING IN THIS CASE IS HEREBY
SCHEDULED BEFORE THE HONORABLE HOWARD WILSON, CHANCELLOR, IN
COURTROOM 5D OF THE RUTHERFORD COUNTY JUDICIAL CENTER, 116 WEST
LYTLE STREET, MURFREESBORO, TENNESSEE 37130, ON TUESDAY, THE 20TH
DAY OF AUGUST 2019, BEGINNING AT 9:00 A.M.**

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

In re)	
)	
AARON BRANSON,	)	Case No. 3:19-BK-05112
	)	Chapter 7
Debtor.	)	Judge Harrison
)	

AARON WELLS,
JESSICA WELLS

Plaintiffs,)	
)	
v.	)	Adversary No. 3:19-ap-90182
)	
AARON BRANSON,)	
)	
Defendant.)	
)	

CERTIFICATE OF MAILING

I hereby certify a true copy of the Proposed Judgment Order was mailed postage prepaid to the parties listed below on 12/5/2019.

Aaron Branson
4405 Maximillion Circle
Murfreesboro TN 37128

U.S. Bankruptcy Court
Middle District of Tennessee
701 Broadway
Room 170
Nashville TN 37203

Dated: December 5th, 2019.

Alan Wells

Jessica Wells

Alan Wells

Jessica Wells

111 Sweetbarn Ct

111 Sweetbarn Ct.

Franklin TN 37069

Franklin TN 37069